



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/843,923	04/30/2001	Sergey Brin	0026-0002	9916

44989 7590 02/22/2006

HARRITY SNYDER, LLP
11350 Random Hills Road
SUITE 600
FAIRFAX, VA 22030

EXAMINER

AILES, BENJAMIN A

ART UNIT

PAPER NUMBER

2142

DATE MAILED: 02/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	09/843,923		BRIN, SERGEY	
	Examiner		Art Unit	
	Benjamin A. Ailes		2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to correspondence filed 22 November 2005.
2. Claims 18-39 remain pending.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 18-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wolff (U.S. 6,247,047) in view of Unold et al. (U.S. 2002/0055880 A1), hereinafter referred to as Unold.
5. Regarding claims 18, 26, 28, and 37-38, Wolff discloses the use of a standard company logo (col. 8, lines 35-40), associating one or more search terms with the company logo (col. 8, lines 43-48), uploading the company logo to a web page (col. 8, lines 38-40), receiving a user selection of the company logo (col. 8, lines 58-62), and invoking a search based on the one or more search terms in response to the user selection (col. 9, lines 1-7). Wolff discloses the main idea of using a company logo, being able to modify the company logo, and associating a search term along with it, but does not explicitly disclose in the modifying step of modifying the standard company logo to become a special event logo. However, Unold discloses the ability and method of altering a standard company logo to become a special event logo in accordance with a special event (Page 1, column 2, paragraph [0007]). One of ordinary skill in the art

Art Unit: 2142

would have found it useful to combine the method of modifying a standard company logo to become a special event logo as disclosed by Unold because Unold provides a method wherein company logos and advertisements can be changed quickly and efficiently to correspond with market and sales trends (Page 1, column 2, paragraph [0007]). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to implement the methods of modifying a company logo as disclosed by Unold and combine them with the standard company logo displaying method disclosed by Wolff.

6. Regarding claims 19 and 20, Unold discloses the ability to modify the logo with animated images, video, and audio data (page 3, column 2, paragraph [0047], lines 9-13). The motivation used to combine Wolff and Unold in the rejection of claim 18 applies equally as well to claims 19 and 20.

7. Regarding claim 21, Unold discloses the special event including a holiday (page 1, column 1, paragraph [0007]). The motivation used to combine Wolff and Unold in the rejection of claim 18 applies equally as well to claim 21.

8. Regarding claim 22, Wolff discloses the use of a search term but Wolff does not explicitly disclose the search term being related to the special event because Wolff does not explicitly disclose the step of modifying a company logo to become a special event logo as explained in the rejection of claim 18. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to associate the search term with the special event in the combination of Wolff and Unold because Wolff alone associates the search term with the company logo, so in combination of Wolff and

Unold, the search term would have to be related to the special event logo in some sort of way. It is for this reason that one of ordinary skill in the art would have been motivated to associate the search term with the special event.

9. Regarding claim 23, Unold discloses the ability to schedule when a special event logo is to be displayed (page 2, column 2, paragraph [0018]). The motivation used to combine Wolff and Unold in the rejection of claim 18 applies equally as well to claim 23.

10. Regarding claim 24, Wolff discloses the method of generating a search query using the one or more search terms (col. 9, lines 1-8), using the search query to search at least one of a network, an index, or a directory (col. 9, lines 1-8), and obtaining search results based on the search (col. 9, lines 9-15).

11. Regarding claim 25, Wolff discloses determining a home page for the web page on a network (col. 8, lines 35-40) and identifying the standard company logo on the home page (col. 8, lines 35-40), but does not explicitly disclose in the modifying step of modifying the standard company logo to become a special event logo. However, Unold discloses the ability and method of altering a standard company logo to become a special event logo in accordance with a special event (Page 1, column 2, paragraph [0007]). One of ordinary skill in the art would have found it useful to combine the method of modifying a standard company logo to become a special event logo as disclosed by Unold because Unold provides a method wherein company logos and advertisements can be changed quickly and efficiently to correspond with market and sales trends (Page 1, column 2, paragraph [0007]). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been

Art Unit: 2142

motivated to implement the methods of modifying a company logo as disclosed by Unold and combine them with the standard company logo displaying method disclosed by Wolff.

12. Claim 27 contains similar subject matter and is rejected under the same rationale as claims 18 and 25.

13. Claim 29 contains similar subject matter and is rejected under the same rationale as claim 19.

14. Claim 30 contains similar subject matter and is rejected under the same rationale as claim 20.

15. Claim 31 contains similar subject matter and is rejected under the same rationale as claim 21.

16. Claim 32 contains similar subject matter and is rejected under the same rationale as claim 22.

17. Claim 33 contains similar subject matter and is rejected under the same rationale as claim 24.

18. Regarding claim 34, Wolff discloses the method wherein uploading the special event logo includes replacing the standard company logo with the special event logo on the web page (col. 8, lines 38-40, deemed inherent in the art that when uploading something new the old is replaced.)

19. Claim 35 contains similar subject matter and is rejected under the same rationale as claim 34.

Art Unit: 2142

20. Claim 36 contains similar subject matter and is rejected under the same rationale as claim 34.

21. Claim 39 contains similar subject matter and is rejected under the same rationale as claim 23.

Response to Arguments

22. Applicant's arguments filed 22 November 2005 have been fully considered but they are not persuasive.

23. (A) Applicant argues on page 8 of the response that neither Wolff nor Unold et al. discloses or suggests modifying a standard company logo for a special event to create a special event logo. The Examiner does not agree. Through broadest reasonable interpretation of the term "company logo" it is interpreted by the Examiner to mean anything or any type of representation of a company including any type of advertisement for the company which is used to "represent" the company. It is well known that one company can be represented by a plurality of different logos in a plurality of ways of media(animation, video, pictures, etc.). It is therefore maintained by the Examiner that a company logo when altered is quite often done to "attract" a consumer, making the company seem more different and unique when compared with other companies. The same reasoning is used for advertising. Advertising is used to "attract" customers to a product sold by the company by attempting to be unique and different. Therefore, it is concluded by the Examiner that a company logo is in fact equivalent in functionality to an advertisement logo. In view of this point, the Examiner has maintained the rejection set forth above.

24. (B) Applicant argues on pages 9-10 of the response that Wolff and Unold cannot disclose or suggest associating one or more search terms with the special event logo.

In view of argument (A), the Examiner disagrees and maintains the rejection. Wolff explicitly discloses the use of search term in column 8, lines 43-48.

25. (C) Applicant argues on page 11 of the response that Wolff and Unold cannot disclose or suggest providing search results relating to a special event in response to user selection of the special event logo. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "providing search results relating to the special event") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

26. (D) Applicant argues on pages 12-13 that neither Wolff nor Unold et al. disclose or suggest creating the special event logo by modifying the standard company logo with one or more animated images. The Examiner does not agree. Through the combination of Wolff and Unold, the Examiner has concluded the combination teaches the ability to alter a company logo based on a special event as outlined in the rejection of independent claim 18. In view of the combination Unold clearly discloses the ability to alter and display animation on page 3, column 2, paragraph [0047], lines 9-13. It is deemed obvious in the art that a digital display can display animated images. The digital display is utilized to display the logo.

27. (E) Applicant argues on pages 13-14 that neither Wolff nor Unold et al. disclose or suggest modifying the standard company logo with at least one of video or audio data. The Examiner does not agree. Through the combination of Wolff and Unold, the Examiner has concluded the combination teaches the ability to alter a company logo based on a special event as outlined in the rejection of independent claim 18. In view of the combination Unold clearly discloses the ability to alter and display video or audio on page 3, column 2, paragraph [0047], lines 9-13. It is deemed obvious in the art that a digital display can display video. The digital display is utilized to display the logo.

28. (F) Applicant argues on page 14 in regards to claim 22 that neither Wolff nor Unold et al. disclose identifying one or more search terms relating to the special event. The Examiner does not agree. In reference to Wolff (col. 8, line 65 – col. 9, line 15) a key word is assigned (i.e. 12345). Therefore this keyword must be related in some sort of way. This evidence is enough to fall under the Applicant's claimed subject matter.

29. (G) Applicant argues on page 15 in regards to claim 25 and page 16 in regards to claim 27 that neither Wolff nor Unold et al. disclose or suggest identifying a standard company logo on a home page. The Examiner does not agree. Wolff discloses in column 8, lines 35-40 the method of retrieving data from a "sponsor server" which is deemed the same as applicant's claimed "home page."

Conclusion

30. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin A. Ailes whose telephone number is (571)272-3899. The examiner can normally be reached on M-F 6:30-4, IFP Work Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571)272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

baa

Beatriz Prieto
BEATRIZ PRIETO
PRIMARY EXAMINER